

7 CFR Part 924

Marketing agreements, Plums, Prunes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 922, 923, and 924 are amended as follows:

1. The authority citation for 7 CFR parts 922, 923, and 924 continues to read as follows:

Authority: 7 U.S.C. 601-674.

PART 922—APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Accordingly, the interim final rule amending 7 CFR part 922 which was published at 60 FR 39104 on August 1, 1995, is adopted as a final rule without change.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Accordingly, the interim final rule amending 7 CFR part 923 which was published at 60 FR 39104 on August 1, 1995, is adopted as a final rule without change.

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND UMATILLA COUNTY, OREGON

Accordingly, the interim final rule amending 7 CFR part 924 which was published at 60 FR 39104 August 1, 1995, is adopted as a final rule without change.

Dated: October 12, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95-26084 Filed 10-20-95; 8:45 am]

BILLING CODE 3410-02-P

7 CFR Part 979

[Docket No. FV95-979-11FR]

Melons Grown in South Texas; Expenses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This interim final rule authorizes expenditures under Marketing Order No. 979 for the 1995-96 fiscal period. Authorization of this budget enables the South Texas Melon Committee (Committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Effective beginning October 1, 1995, through September 30, 1996. Comments received by November 22, 1995, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, FAX 202-720-5698. Comments should reference the docket number and the date and page number of this issue of the Federal Register and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918, or Belinda G. Garza, McAllen Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, 1313 East Hackberry, McAllen, Texas 78501, telephone 210-682-2833.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 156 and Order No. 979 (7 CFR part 979), regulating the handling of melons grown in South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This interim final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action authorizes expenditures for the 1995-96 fiscal period, which began October 1, 1995, and ends September 30, 1996. This interim final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any

district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 producers of South Texas melons under this marketing order, and approximately 19 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. The majority of South Texas melon producers and handlers may be classified as small entities.

The budget of expenses for the 1995-96 fiscal period was prepared by the South Texas Melon Committee, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Committee are producers and handlers of South Texas melons. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget.

The Committee, in a mail vote completed September 15, 1995, unanimously recommended a 1995-96 budget of \$234,044 for personnel, office, compliance, and road guard station expenses, which is \$26,544 more than the previous year. Budget items for 1995-96 which have increased compared to those budgeted for 1994-95 (in parentheses) are: Manager's salary, \$19,094 (\$15,172), office salary, \$24,000 (\$15,600), payroll taxes, \$4,000 (\$3,100), insurance, \$7,000 (\$5,250), accounting and audit, \$2,600 (\$2,300), rent and utilities, \$6,500 (\$4,000), supplies, \$2,000 (\$1,500), postage, \$1,500 (\$1,000), telephone and telegraph,

\$4,000 (\$2,500), furniture and fixtures, \$2,000 (\$1,000), equipment rental and maintenance, \$3,500 (\$2,500), contingencies, \$6,000 (\$5,278), Committee expense, \$2,000 (\$700), manager's travel, \$5,000 (\$3,000), and \$3,750 for deferred compensation (manager's retirement), which was not a line item expense last year. Items which have decreased compared to those budgeted for 1994-95 (in parentheses) are: Field travel, \$4,000 (\$5,000), and field salary, \$5,500 (\$8,000). All other items are budgeted at last year's amounts, including \$125,000 to operate road guard stations around the area for compliance purposes.

The assessment rate and funding for research projects will be discussed and recommended at the Committee's organizational meeting later this fall. These funds, along with the administrative expenses for personnel, office, compliance, and operation of the road guard stations, will comprise the total budget. Funds in the reserve as of July 31, 1995, were \$367,369, and are within the maximum permitted by the order of two fiscal periods' expenses. These funds will be adequate to cover any expenses incurred by the Committee prior to the approval of the assessment rate.

Since no assessment rate is being recommended at this time, no additional costs will be imposed on handlers. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because: (1) The fiscal period began on October 1, 1995, and the Committee needs to have approval to pay its expenses which are incurred on a continuous basis; (2) this action is similar to that taken at the beginning of the 1994-95 fiscal period; and (3) this interim final rule provides a 30-day comment period, and all comments timely received will be considered prior to finalization of this action.

List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 is amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 is revised to read as follows:

Authority: 7 U.S.C. 601-674.

2. A new § 979.218 is added to read as follows:

Note: This section will not appear in the Code of Federal Regulations.

§ 979.218 Expenses.

Expenses of \$234,044 by the South Texas Melon Committee are authorized for the fiscal period ending September 30, 1996. Unexpended funds may be carried over as a reserve.

Dated: October 12, 1995.

Sharon Bomer Lauritsen,
Deputy Director, Fruit and Vegetable Division.
[FR Doc. 95-26085 Filed 10-20-95; 8:45 am]

BILLING CODE 3410-02-P

Food Safety and Inspection Service

9 CFR Part 318

[Docket No. 95-035F]

RIN 0583-AB96

Potassium Hydroxide as a Hog Scald Agent

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Direct final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the Federal meat inspection regulations to permit the use of potassium hydroxide in hog scald and hair removal processes. Hog scald and hair removal agents are used by meat processors to dehair hog carcasses. This regulation makes available to meat processors an additional, alternative hog scald formulation containing potassium hydroxide as an ingredient. Hog scald agents formulated with potassium hydroxide are as effective as other existing hog scald agents; however, because potassium hydroxide is quickly solubilized when added to water, its presence in a hog scald agent makes the agent easier to mix. Therefore, the potassium hydroxide-containing hog scald agent formula can be prepared and applied to hog carcasses more quickly than other similar hog scald agents.

We expect no adverse public reaction resulting from this change in regulatory language. Therefore, unless adverse or critical comments are received within 30 days, the action will become final 60 days after publication in the Federal Register. If critical comments are received, the final rulemaking notice will be withdrawn and a proposed rulemaking notice will be published. The proposed rulemaking notice will establish a comment period.

DATES: This action will become effective December 22, 1995, unless adverse or critical comments are received within 30 days of publication.

ADDRESSES: Send an original and two copies of written comments to: FSIS Docket Clerk, DOCKET #95-035F, Room 4325, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Dr. William James, Director, Slaughter Inspection Standards and Procedures Division, Science and Technology, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250-3700, (202) 720-3219.

SUPPLEMENTARY INFORMATION:

Background

Under the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), FSIS provides mandatory inspection of meat and meat food products prepared for distribution in commerce. The Act prohibits the addition of any substance to any meat or meat food product that may render the product adulterated (21 U.S.C. 601). Section 318.7(a)(1) of the Federal meat inspection regulations (9 CFR 318.7) prohibits the use of any substance in the preparation of any product unless its use is approved in section 318.7(c)(4) of the Federal meat inspection regulations, which is the chart of substances acceptable for use in the preparation of products, or unless it is approved elsewhere in the regulations or by the Administrator, FSIS.

In 1995, ChemStation, a manufacturer of processing aids and other direct food ingredients, petitioned the Food and Drug Administration (FDA) and FSIS to approve potassium hydroxide for use as a hog scald and hair removal agent. Removal of hair from hog carcasses is a necessary step in the preparation of pork and pork products for use as human food. We reviewed the data and other information submitted by the petitioner and determined that the proposed use of potassium hydroxide did not result in product adulteration or misbranding.